

REFERENCE TITLE: public meetings; minutes; web site

State of Arizona
Senate
Forty-seventh Legislature
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2006

SB 1209

Introduced by
Senators Johnson, Harper, Martin: Leff, Verschoor; Representatives Chase,
Downing

AN ACT

AMENDING SECTIONS 38-431.01 AND 38-431.02, ARIZONA REVISED STATUTES; RELATING
TO PUBLIC MEETINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-431.01, Arizona Revised Statutes, is amended to
3 read:

4 38-431.01. Meetings shall be open to the public

5 A. All meetings of any public body shall be public meetings and all
6 persons so desiring shall be permitted to attend and listen to the
7 deliberations and proceedings. All legal action of public bodies shall occur
8 during a public meeting.

9 B. All public bodies, except for subcommittees and advisory
10 committees, shall provide for the taking of written minutes or a recording of
11 all their meetings, including executive sessions. For meetings other than
12 executive sessions, such minutes or recording shall include, but not be
13 limited to:

14 1. The date, time and place of the meeting.

15 2. The members of the public body recorded as either present or
16 absent.

17 3. A general description of the matters considered.

18 4. An accurate description of all legal actions proposed, discussed or
19 taken, and the names of members who propose each motion. The minutes shall
20 also include the names of the persons, as given, making statements or
21 presenting material to the public body and a reference to the legal action
22 about which they made statements or presented material.

23 C. Minutes of executive sessions shall include items set forth in
24 subsection B, paragraphs 1, 2 and 3 of this section, an accurate description
25 of all instructions given pursuant to section 38-431.03, subsection A,
26 paragraphs 4, 5 and 7 and such other matters as may be deemed appropriate by
27 the public body.

28 D. The minutes or a recording shall be open to public inspection three
29 working days after the meeting except as otherwise specifically provided by
30 this article. THE PUBLIC BODIES OF THE CITIES AND TOWNS THAT HAVE AN
31 INTERNET WEB SITE SHALL POST THE MINUTES AND ANY RECORDINGS ON THEIR INTERNET
32 WEB SITE WITHIN THREE WORKING DAYS AFTER THE MEETING EXCEPT AS OTHERWISE
33 SPECIFICALLY PROVIDED BY THIS ARTICLE.

34 E. All or any part of a public meeting of a public body may be
35 recorded by any person in attendance by means of a tape recorder, OR camera
36 or ANY other means of sonic reproduction, provided that there is no active
37 interference with the conduct of the meeting.

38 F. The secretary of state for state public bodies, the city or town
39 clerk for municipal public bodies and the county clerk for all other local
40 public bodies shall distribute open meeting law materials prepared and
41 approved by the attorney general to a person elected or appointed to a public
42 body prior to the day that person takes office.

43 G. A public body may make an open call to the public during a public
44 meeting, subject to reasonable time, place and manner restrictions, to allow
45 individuals to address the public body on any issue within the jurisdiction

1 of the public body. At the conclusion of an open call to the public,
2 individual members of the public body may respond to criticism made by those
3 who have addressed the public body, may ask staff to review a matter or may
4 ask that a matter be put on a future agenda. However, members of the public
5 body shall not discuss or take legal action on matters raised during an open
6 call to the public unless the matters are properly noticed for discussion and
7 legal action.

8 H. A member of a public body shall not knowingly direct any staff
9 member to communicate in violation of this article.

10 Sec. 2. Section 38-431.02, Arizona Revised Statutes, is amended to
11 read:

12 **38-431.02. Notice of meetings**

13 A. Public notice of all meetings of public bodies shall be given as
14 follows:

15 1. The public bodies of the state shall file a statement with the
16 secretary of state stating where all public notices of their meetings will be
17 posted and shall give such additional public notice as is reasonable and
18 practicable as to all meetings.

19 2. The public bodies of the counties, school districts and other
20 special districts shall file a statement with the clerk of the board of
21 supervisors stating where all public notices of their meetings will be posted
22 and shall give such additional public notice as is reasonable and practicable
23 as to all meetings.

24 3. The public bodies of the cities and towns shall file a statement
25 with the city clerk or mayor's office stating where all public notices of
26 their meetings will be posted and shall give such additional public notice as
27 is reasonable and practicable as to all meetings.

28 4. THE PUBLIC BODIES OF THE CITIES AND TOWNS THAT HAVE AN INTERNET WEB
29 SITE SHALL POST ALL PUBLIC NOTICES OF THEIR MEETINGS ON THEIR INTERNET WEB
30 SITE AND SHALL GIVE ADDITIONAL PUBLIC NOTICE AS IS REASONABLE AND PRACTICABLE
31 AS TO ALL MEETINGS.

32 B. If an executive session will be held, the notice shall be given to
33 the members of the public body, and to the general public, stating the
34 specific provision of law authorizing the executive session.

35 C. Except as provided in subsections D and E, meetings shall not be
36 held without at least twenty-four hours' notice to the members of the public
37 body and to the general public.

38 D. In case of an actual emergency, a meeting, including an executive
39 session, may be held ~~upon~~ ON such notice as is appropriate to the
40 circumstances. If this subsection is utilized for conduct of an emergency
41 session or the consideration of an emergency measure at a previously
42 scheduled meeting the public body must post a public notice within
43 twenty-four hours declaring that an emergency session has been held and
44 setting forth the information required in subsections H and I.

1 E. A meeting may be recessed and resumed with less than twenty-four
2 hours' notice if public notice of the initial session of the meeting is given
3 as required in subsection A, and if, prior to recessing, notice is publicly
4 given as to the time and place of the resumption of the meeting or the method
5 by which notice shall be publicly given.

6 F. A public body ~~which~~ THAT intends to meet for a specified calendar
7 period, on a regular day, date or event during such calendar period, and at a
8 regular place and time, may post public notice of such meetings at the
9 beginning of such period. Such notice shall specify the period for which
10 notice is applicable.

11 G. Notice required under this section shall include an agenda of the
12 matters to be discussed or decided at the meeting or information on how the
13 public may obtain a copy of such an agenda. The agenda must be available to
14 the public at least twenty-four hours prior to the meeting, except in the
15 case of an actual emergency under subsection D.

16 H. Agendas required under this section shall list the specific matters
17 to be discussed, considered or decided at the meeting. The public body may
18 discuss, consider or make decisions only on matters listed on the agenda and
19 other matters related thereto.

20 I. Notwithstanding the other provisions of this section, notice of
21 executive sessions shall be required to include only a general description of
22 the matters to be considered. Such agenda shall provide more than just a
23 recital of the statutory provisions authorizing the executive session, but
24 need not contain information that would defeat the purpose of the executive
25 session, compromise the legitimate privacy interests of a public officer,
26 appointee or employee, or compromise the attorney-client privilege.

27 J. Notwithstanding subsections H and I, in the case of an actual
28 emergency a matter may be discussed and considered and, at public meetings,
29 decided, where the matter was not listed on the agenda provided that a
30 statement setting forth the reasons necessitating such discussion,
31 consideration or decision is placed in the minutes of the meeting and is
32 publicly announced at the public meeting. In the case of an executive
33 session, the reason for consideration of the emergency measure shall be
34 announced publicly immediately prior to the executive session.

35 K. Notwithstanding subsection H, the chief administrator, presiding
36 officer or a member of a public body may present a brief summary of current
37 events without listing in the agenda the specific matters to be summarized,
38 provided that:

- 39 1. The summary is listed on the agenda.
- 40 2. The public body does not propose, discuss, deliberate or take legal
41 action at that meeting on any matter in the summary unless the specific
42 matter is properly noticed for legal action.